

## **REMARKS/ARGUMENT**

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Applicant hereby responds to the Office Action mailed February 26, 2007. In the Office Action, the Examiner rejected claims 1-4, 21, and 26.

### **Election/Restrictions:**

1. Claims 5-20, 22-25, and 27-30 were previously withdrawn without prejudice on June 29, 2006, and subsequently clarified on November 30, 2006, as non-elected claims.

### **Claim Rejections – 35 USC § 103(a):**

2. Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Quayle (4,241,459). Applicant hereby amends claim 1 as shown in the Listing of Claims. Support for the amendment can be found at page 6, lines 14-28. Therefore, amendments to the claims do not constitute new matter or narrowing amendments.

Quayle is directed towards jackets and vests with compartments suitable to hold photographic equipment. As such, the inner panel 96 and the outer panel 94 described by the examiner are described by Quayle as “padded inner and outer walls 94 and padded outer inner walls 96.” Furthermore, the pocket 80 defined by padded walls 94 and 96 includes “opposite side walls 90 and 92 which are padded.” The padding appears to be important as the invention is directed towards photographic equipment (see Col. 1, lines 15-19).

Thus, the teachings of Quayle are contrary to the teachings of the present invention. Paddings are undesirable in the present invention as they would reduce the ability of the outer panel to bend and maintain a tight position to the user's body. In addition, padded side panels would hinder the ability of the outer panel to bias against the inner panel. Whereas in Quayle, a loose padded pocket is taught to protect delicate instruments, the present invention teaches pockets that can be tightly conformed to a sturdy object, such as a gun magazine, and maintain a tight proximity to a user's body to enhance the user's mobility.

Therefore, Quayle does not teach the bending of the outer panel to create a holding force as reinforcement to substantially bias against the inner panel to physically self-adjust a shape of the magazine slots for retaining the magazine within the respective magazine slot of the magazine holder such that the magazine is tightly positioned close to the user's body so as to enhance the mobility of a user while carrying the magazine. As such, Applicant believes claim 1 is now in condition for allowance and such action is requested.

3. Claims 1-2, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Orr (1,340,077) in view of Ross (5,968,522, which Applicant believes Examiner meant 3,968,522) or Noriega et al. (5,505,356) or Tucker et al. (6,135,333). Applicant hereby amends claim 1 as shown in the Listing of Claims. Support for the amendment can be found at page 6, lines 14-28. Therefore, amendments to the claims do not constitute new matter nor narrowing amendments.

Orr also does not teach or suggest an outer panel that can be bent to apply a holding force as reinforcement to substantially bias against the inner panel so that a magazine may be tightly positioned close to the user's body. Rather, Orr teaches compartments with collapsible partitions. There is no description of a means or a structure to bend the outer panel to apply a holding force on the inner panel to cause articles contained in the compartment to be taut rather than loose. Riess, Noriega et al., and Tucker et al. also do not teach bending of the outer panel to create a holding force as a reinforcement to substantially bias against the inner panel so that a magazine may be tightly positioned close to the user's body. Therefore, it is believed that claim 1 has been put in a condition for allowance.

Since claim 2 and claim 21 each depend directly or indirectly from claim 1 and the bending of the outer panel to create a holding force as reinforcement to substantially bias against the inner panel such that the magazine is tightly positioned close to the user's body has not been disclosed, taught or suggested by the combined prior art references cited by the Examiner, claims 2 and 21 have also been put in a condition for allowance and such action is requested.

4. Claims 3, 4 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Orr rejection as set forth above, and in view of Batchelder (1,340,142), or Goldshaw et al. (2002/0145027).

For the same reasons stated above, Orr can no longer be used to supply the holding force as a reinforcement to substantially bias against the inner panel so that a

magazine may be tightly positioned close to the user's body. In addition, Batchelder does not teach any straps, therefore, Batchelder cannot teach the holding force created by the outer panel to substantially bias against the inner panel. Furthermore, the straps in Goldshaw are only connected to the inner panel, therefore, there are no mechanisms to create a holding force by the outer panel to substantially bias against the inner panel.

Therefore, none of the references cited by the Examiner, singly or in combination, teach the bending of the outer panel to create a holding force as reinforcement to substantially bias against the inner panel to physically self-adjust a shape of the magazine slots for retaining the magazine within the respective magazine slot of the magazine holder such that the magazine is tightly positioned close to the user's body so as to enhance the mobility of a user while carrying the magazine. As such, Applicant believes claims 3, 4, and 26 are now in a condition for allowance and requests such action.

5. Claims 21 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Orr as set forth above, and further in view of Yergason (1,290,827).

For the same reasons stated above, Orr can no longer be used to supply the holding force element of the present invention. In addition, the straps 15 and 16 in Yergason are attached to the inner panel, therefore, Yergason does not teach the bending of the outer panel to create a holding force as reinforcement to substantially bias against the inner panel to physically self-adjust a shape of the magazine slots for retaining the magazine within the respective magazine slot of the magazine holder such

that the magazine is tightly positioned close to the user's body so as to enhance the mobility of a user while carrying the magazine. Therefore, Applicant believes claims 21 and 26 are now in a condition for allowance and requests such action.

6. Applicant directs the Examiner to the CFR 1.132 Declaration enclosed herein as further evidence of the non-obviousness of the present invention.

**Conclusion:**

Applicant believes that the foregoing is fully responsive to the Office Communication. If, however, the Examiner takes the position that a further correction is still necessary, Applicant requests the Examiner contact Applicant's representative at the number listed below to make any necessary corrections.

Having responded to the Examiner's concerns, Applicant asserts that the application is now in condition for allowance and solicits that action. If a telephone interview will advance the allowance of the application, enable an Examiner's amendment, or promote other meaningful discussion of the case, Applicant requests the Examiner contact Applicant's representative at the number listed below.

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Application No. 10/694,233  
Amendment dated August 6, 2007  
Response to Notice of Noncompliance of July 11, 2007  
Attorney Docket No. 07-19332

It is not believed that any other additional fees are due; however, in the event any additional fees are due, the Examiner is authorized to charge Applicant's attorney's deposit account no. 03-2030.

Respectfully submitted,

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Date: August 6, 2007

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### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that these documents are being filed with the United States Patent and Trademark Office on August 6, 2007 with sufficient postage as first class mail to the following addressee.

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